

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES EDWARD LACKEY, JR.,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. § 1983
	:	
v.	:	
	:	
EUGENE BENTON et al.,	:	CIVIL ACTION NO.
Defendants.	:	1:14-CV-3166-WSD-LTW

FINAL REPORT AND RECOMMENDATION

Plaintiff is confined at the Walton County Jail in Monroe, Georgia. (Doc.

1.) Plaintiff, pro se, seeks relief under 42 U.S.C. § 1983 against the judge, public defender, and probation officer involved in his criminal case in the Superior Court of Walton County. (*Id.*) Plaintiff complains of the criminal prosecution. (*Id.*)

A § 1983 complaint

may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

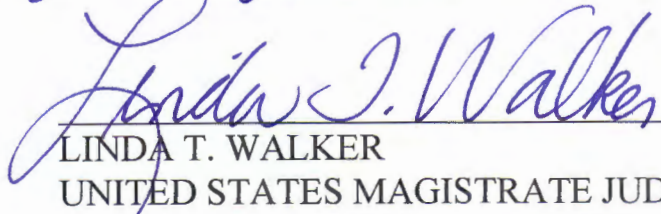
28 U.S.C. § 1391(b). Plaintiff's complaint concerns only acts allegedly committed in Walton County and only Walton County officials. (Doc. 1.) Walton County is located

within the territorial jurisdiction of the U.S. District Court for the Middle District of Georgia. The Northern District is not an appropriate venue for Plaintiff's complaint.

A district court must transfer a case filed in the wrong court to a court in which venue is proper "if it be in the interest of justice." 28 U.S.C. § 1406(a). Because Plaintiff is proceeding pro se and likely does not know the venue laws, it is in the interest of justice to transfer this case to the proper venue.

Accordingly, **IT IS RECOMMENDED** that the Court **TRANSFER** this action to the U.S. District Court for the Middle District of Georgia, Athens Division, for further proceedings.

SO RECOMMENDED this 8 day of October, 2014.


LINDA T. WALKER
UNITED STATES MAGISTRATE JUDGE